

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

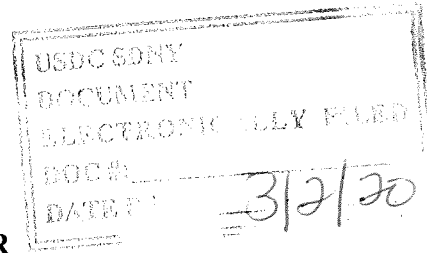
v. :

JOHN CREWS, JR., :

Defendant. :
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ORDER

S5 13 CR 835 (VB)



Copies Mailed/Faxed 3/2/20 JH
Chambers of Vincent L. Briccetti

Defendant is currently serving a sentence of 204 months' imprisonment. An appeal of that sentence is pending in the Second Circuit.

In a submission entitled "request for judicial recommendation," dated January 23, 2020, defendant requests that this Court recommend to the Bureau of Prisons that BOP grant "custody credit" for the time defendant served in state custody after being arraigned on the instant case on September 4, 2013, through April 8, 2016, the date he was sentenced. (Doc. #131).

It is not at all clear that the Court has the authority to grant the relief requested. However, the Court need not address this request at this time because the government and the defendant recently filed a joint motion in the Court of Appeals to remand the case to this Court for resentencing, in light of United States v. Davis, 139 S. Ct. 2319 (2019), and United States v. Barrett, 937 F.3d 126 (2d Cir. 2019). That motion is pending. If the motion is granted, which seems likely, defendant's conviction on the firearms count under 18 U.S.C. § 924(c) will be vacated, and the case will be remanded for resentencing on the Hobbs Act conspiracy count. At that time, defendant, who will be represented by counsel, will have the opportunity to make whatever sentencing arguments he deems appropriate, and the government will have an opportunity to respond.

By April 2, 2020, the government shall submit a letter to the Court with respect to the current status of the remand motion, and proposing a schedule going forward.

The Clerk is instructed to mail a copy of this Order to defendant at the following address:

John Crews, Jr.
Reg. No. 69163-054
FCI Pollock
Federal Correctional Institution
P.O. Box 4050
Pollock, LA 71467

Dated: March 2, 2020
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti".

Vincent L. Briccetti
United States District Court